

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Ladonaugh Hall,

5 Plaintiff

6 v.

7 Compass Group USA, Inc., et al.,

8 Defendants

Case No. 2:23-cv-01206-CDS-BNW

Order Denying Defendants' Motion to
Compel Arbitration

[ECF No. 18]

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10 Ladonaugh Hall filed this employment action against her former employers, Compass
11 Group USA, Inc and Flik International Corp. (collectively, Flik) alleging that they violated Title
12 VII of the Civil Rights Act of 1964 and Nevada Revised Statute (NRS) § 613.330. *See generally*
13 Compl., ECF No. 1. Hall asserts six causes of action for: (1) discrimination based on sex; (2)
14 discrimination based on sexual orientation; and (3) retaliation. Flik moves to compel arbitration
15 arguing that the parties are bound by an arbitration agreement and urging that this dispute
16 must therefore be resolved in arbitration under NRS § 38.211 and the Uniform Arbitration Act.
17 *See generally* ECF No. 18. Indeed, in deciding whether parties agreed to arbitrate a matter, courts
18 generally should apply ordinary state-law principles that govern the formation of contracts. *First*
19 *Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938, 944 (1995). However, Flik's motion cites and
20 primarily relies on Nevada state law to demonstrate that the parties are compelled to arbitrate
21 their dispute. ECF No. 18 at 3–4. Flik does not apply the Federal Arbitration Act, which governs
22 the enforceability of arbitration agreements in contracts in federal court. *See Ashbey v. Archstone*
23 *Prop. Mgmt., Inc.*, 785 F.3d 1320, 1323 (9th Cir. 2015) (stating that a party seeking to compel
24 arbitration must prove two elements under the Federal Arbitration Act); *see also Chiron Corp. v.*
25 *Ortho Diagnostic Sys., Inc.*, 207 F.3d 1126, 1130 (9th Cir. 2000) (simplified) (The Federal Arbitration
26 Act “permits a party aggrieved by the alleged refusal of another to arbitrate to petition any

1 federal district court for an order compelling arbitration in the manner provided for in the
2 agreement.”). For this reason, Flik’s motion is denied without prejudice.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that defendants’ motion to compel arbitration [ECF No.
5 18] is DENIED without prejudice.

6 Dated: August 15, 2024

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9 Cristina D. Silva
United States District Judge